

VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA,

v.

CRIMINAL NO. 102888

Hon. Jane Marum Roush

LEE BOYD MALVO,

Defendant

**MOTION TO FUND ADDITIONAL HOURS
FOR MENTAL HEALTH EXPERT APPOINTED
PURSUANT TO VIRGINIA CODE SECTION 19.2-264.3:1**

COMES NOW the defendant, Lee Boyd Malvo, by his co-counsels, and states as follows:

1. This honorable Court previously appointed Dewey G. Cornell, Ph.D., pursuant to Virginia Code Section 19.2-264.3:1 to serve as the defense's mental health expert.
2. The Court pre-approved 100 hours of professional services time at \$175.00 per hour.
3. The volume of mitigation evidence bearing on mental health issues has been extraordinarily beyond the original estimate.
4. Dr. Cornell must coordinate all of areas of mitigation as they relate to mental health issues.
5. Dr. Cornell has given much additional time for which he has not requested compensation. He has not billed for travel time (round trips are 4-5 hours).
6. Dr. Cornell estimates that his total time (additional time) for the case will be 173 to 227 hours. [A copy of his itemized estimate is attached hereto.]
7. Counsel represents to the Court that this is a good faith estimate consistent with the quantity and quality of work necessary for the defense of this case.

FILED
CRIMINAL

03 AUG 13 PM 3:50

CLERK, CIRCUIT COURT
FAIRFAX, VA

WHEREFORE the defendant, Lee Malvo, by his counsel, respectfully moves this honorable Court to approve funding of an additional 200 hours of professional service time for Dr. Dewey G. Cornell at the previously approved hourly rate.

Respectfully submitted,

LEE BOYD MALVO

By _____
Co-Counsel (_____

and

By _____
~~Co~~Counsel _____

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CERTIFICATE OF SERVICE

We/I hereby certify that a true copy of the foregoing Motion/Memorandum was mailed,
first class mail to:

Robert F. Horan, Jr., Esquire
Commonwealth's Attorney
4110 Chain Bridge Road
Room 123
Fairfax, VA 22030

and the original was forwarded for filing to:

Hon. John T. Frey
Clerk
Fairfax County Circuit Court
Fairfax County Judicial Center
4110 Chain Bridge Road
Fairfax, VA 22030-4009

and a true copy was forwarded to the

Hon. Jane Marum Roush
Judge
Fairfax County Circuit Court
Fairfax County Judicial Center
4110 Chain Bridge Road
Fairfax, VA 22030-4009

this 13TH day of August, 2003.

Co-Counsel

Co-Counsel